

## REMARKS

Claims 1 through 4, 6 through 16, 18 through 20, 22 through 24 and 26 through 28 and new Claim 30 are pending in the application.

Claims 1 and 23 have been amended to reflect advantageous inventive food casings incorporating an extensible or non-extensible textile support layer. Support for this amendment can be found in the Application-as-filed, for example on Page 7, lines 8 through 9.

Claim 30 has been added to complete the record for examination and highlight advantageous embodiments of the invention.

Claim 30 is directed to expedient inventive films in which the edible binder within the coating is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility and the casing is a formed tubular shape with permanently bonded longitudinal edges. Support for Claim 30 can be found in the Application-as-filed, for example in Claims 22 and 12.

Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

*The Claimed Invention is Patentable  
in Light of the Art of Record*

Claims 1 through 4, 7 through 16, 18 through 20, 23, 24, 26, 28 and 29 stand rejected over United States Patent Application Publication No. 2001/0008658 (US 658) to Barmore in light of United States Patent No. 5,705, 214 (US 214) to Ito et al.

Claims 1 through 4, 7 through 11, 15, 16, 18, 19, 22 through 24, 26, 28 and 29 stand rejected over United States Patent Application Publication No. 2001/0008658 (US 658) to Barmore in light of United States Patent No. 5,413,148 (US 148) to Mintz.

It may be helpful to briefly consider the invention before addressing the merits of the rejection.

Applicants respectfully reiterate that there remains in the art a long felt need for food casings which can transfer an ingredient, such as a dye, aroma substance, or flavoring, to a foodstuff situated therein. Transferable ingredients are challenging, because the coating and its transferable ingredient must be robust enough and adhere to the casing adequately to survive the stuffing process, yet the ingredient must have sufficient freedom to subsequently transfer to the foodstuff. Consumers also prefer that the foodstuff be uniformly covered with the transferred ingredient. Consequently, the complete transfer of ingredients onto a foodstuff located in the casing is considered highly advantageous.

Applicants have found that food casings incorporating a textile support layer consisting of a woven or knit fabric and a transfer coating formed from edible binder that is not water-soluble can be transferred completely onto a foodstuff located in the casing, along with aromas, dyes and/or flavorings, as recited in the claimed invention.

In especially advantageous embodiments, the inventive food casings incorporate an extensible or non-extensible textile support layer, as recited in Claim 1 as-amended.

Particularly expedient inventive films incorporate gelatin or collagen as the edible binder within the coating and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility and the resulting casing is a formed tubular shape with permanently bonded longitudinal edges, as recited in newly added Claim 30.

Applicants respectfully reiterate that the cited references do not teach or suggest the claimed invention.

US 658 is directed to shrink films for cook-in applications. [0003 and 0008]. The films of US 658 shrink snugly around the packaged product when placed in hot water, with a shrinkage of up to 55% at 185 °F. [0003 and 0008]. For casings, US 658 teaches a minimum of 15 % percent shrink in each direction. [0100]. In contrast to the claimed textile support, US 658 is directed to films having a transferable coating. [0008 and 0047]. The coatings of US 658 are comparatively thin, indicating that the films may be “printed” with coating on a portion of the product. [0009]. The working examples of US 658 apply liquid smoke or caramel via a gravure roll. [0166]. US 658 provides an incredibly extensive list of suitable binders that fails to include gelatin and collagen. [0014]. US 658 does note, however, its determination that “certain binders were discovered to be better than others.” [0010]. US 658 notes that an intermediate layer may be present between the film and transferable coating that can serve as a primer for the application of the transferable coating. [0023] In contrast to the urgings of the outstanding Office Action on Page 5, Ref. No. 15, this third layer is disclosed as potentially containing crosslinking agent, with US 658 specifically stating that “[a]dditionally or alternatively, the third can contain ... a “crosslinking agent.” [0023]. Alternatively, the intermediate layer may contain a release agent. [0023]. US 658 indicates that the interaction of its binder and crosslinker controlled adhesion of the additive to the film. [0010].

Applicants respectfully reiterate that US 658 does not teach or suggest the claimed invention.

US 658 specifically does not disclose any food casings containing textile materials. US 658 thus does not teach or suggest the inventive food casings incorporating a textile support layer, much less a woven fabric or knit fabric textile support layer.

And US 658, directed to shrink films, most certainly does not teach or suggest an extensible or non-extensible textile support layer, as recited in the claims as-amended. US 658 instead expressly teaches that its shrink films can shrink up to 55 %. Applicants further respectfully submit that to modify US 658 so as to avoid its required shrink would render it unfit for its intended purpose as a shrink film for cook-in applications.

Accordingly, Applicants respectfully submit that US 658 does not teach or suggest the claimed invention, considered either alone or in combination with the remaining art of record.

Similar to earlier cited EP 164, US 214 is likewise directed to food transfer sheets that include a base sheet, a "glue" layer, and a separate food component layer. (Figure 2 and Col. 2, lines 10 – 25). Suitable base sheets include paper and the like. (Col. 3, lines 13 – 28). US 214 expressly teaches a water soluble, macromolecular substance as the glue. (Col. 3, lines 61 – 67) US 214 initially notes that the glue is affected “by moisture and heat in the cooking step” such that the “food component layer of the base sheet is transferred. (Col. 4, lines 1 – 4). US 214 then goes on to state that the food component remains adhered to the base sheet under dry conditions due to the “water-soluble glue” but that when the transfer sheet is placed under humid heat conditions the water-soluble glue allows the food component layer to transfer to the surface of the food. (Col. 5, lines 32 – 37). US 214 indicates that the food layer is dusted over the surface of the glue layer. (Col.4, lines 24 - 29). The glue layer and food component layers are applied in a pattern separated by ligation intervals of predetermined dimension on the base sheet. (Col. 2, lines 62 – 67).

Applicants respectfully submit that US 214 does not teach or suggest the claimed invention.

US 214, requiring a water-soluble glue for transfer, specifically does not teach or suggest the inventive food casings incorporating a transfer coating that is essentially water-insoluble, as recited in the claimed invention. Applicants respectfully submit that to modify US 214 so as to avoid it required water-soluble glue would altogether change its stated principle of operation.

Accordingly, Applicants respectfully submit that US 214 does not teach or suggest the claimed invention, considered either alone or in combination with the remaining art of record.

Applicants respectfully submit that there would have been no motivation to have combined US 658 and US 214. However, even if US 658 and US 214 were combined (which Applicants did not do), the claimed invention would not result.

The combination simply does not teach or suggest the inventive food casings incorporating an extensible or non-extensible textile support layer and transfer coating that is essentially water-insoluble, as recited in the claims as-amended. The cook-in films of US 658 instead shrink up to 55 % while the casings of US 214 transfer via a water-soluble glue.

Nor does the combination teach or suggest inventive food casings containing a single-layered transfer coating that is transferred completely onto a foodstuff located in the casing. In that regard, Applicants further respectfully submit that it was altogether unexpected to those skilled in the art that the inventive food casings incorporating a coating that is not water-soluble applied to the surface of a textile support layer could be transferred completely onto a foodstuff, particularly in the claimed absence of a plasticizer. Applicants respectfully reiterate that the recited complete transfer of an insoluble coating from a textile surface is instead counterintuitive, as one skilled in the art would expect the insoluble coating to adhere to the textile, due, inter alia, to the penetration (and subsequent anchoring) of the coating within the textile interstices.

The combination similarly fails to teach or suggest such inventive food casings in which a layer made of a water-soluble material is arranged between the textile support layer and the transferable coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claims 23 and 24. Considered in its entirety, US 658 plainly teaches that its intermediate primer layer may contain crosslinker, while US 214 does not teach or suggest multi-layered glues.

As indicated by the Examiner, the combination likewise does not teach or suggest inventive food casings in which the edible binder is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, as recited in Claim 22 and newly added Claim 30.

Accordingly, Applicants respectfully submit that US 658 and US 214 do not teach or suggest the claimed invention, considered either alone or in combination.

The claimed invention is likewise patentable in further light of US 148.

US 148 is directed to a specific “stockinette member” having a netting arrangement integrally formed with the stockinette. (Col. 2, lines 50 – 52). US 148 expressly teaches that the stockinette member is produced in tubular form, i.e. the stockinette is a tubular knit. (Col. 2, line 53). The stockinette of US 148 is specifically designed to replace traditional collagen films, which US 148 expressly teaches as extremely cost prohibitive, specifically costing four times as much as netting. (Col. 2, lines 9 – 11 and Col. 1, line 65 – Col. 2, line 3). US 148 further indicates that collagen films give rise to air bubbles. (Col. 2, lines 4 – 6). US 148 notes that was known in the art to impregnate stockinettes with various solutions, such as liquid smoke, oils, acid solutions or to coat it with a film to further enhance peelability. (Col. 2, lines 23 – 27). US 148 similarly discloses that its stockinette may be coated with a liquid, such as liquid smoke, or may be coated with a smoke permeable film, for example, cellulose. (Col. 5, lines 28 – 31).

US 148 gives no indication that the liquid within its stockinette could be combined with an edible binder in a layer, much less that such binder could be completely transferred onto a food product, as recited in the claimed invention.

The combination similarly fails to teach or suggest such inventive food casings in which a layer made of a water-soluble material is arranged between the textile support layer and the transferable coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claims 23 and 24. Considered in its entirety, US 658 plainly teaches that

its intermediate primer layer may contain crosslinker, while US 148 does not even teach or suggest binders.

US 148 likewise does not teach or suggest inventive food casings in which the edible binder is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, as recited in Claim 22 and newly added Claim 30. Although noting collagen films as generally known, US 148 does not teach or suggest use of collagen as a binder within a transfer coating, much less insolubilized collagen. In fact, US 148 teaches away from the use of collagen by indicating that it is cost prohibitive and gives rise to air bubble formation.

Nor does US 148, solely directed to tubular knits, teach or suggest inventive such food casings incorporating transfer coatings in which the edible binder is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, and most certainly not such casings in which the casing has permanently bonded longitudinal edges, as further recited in newly added Claim 30. Applicants respectfully submit that to modify the tubular knit stockinettes of US 148 so as to incorporate bonded longitudinal edges would render it unfit for its intended purpose.

Accordingly, Applicants respectfully submit that the claimed invention is patentable in light of US 148, considered either alone or in combination with the remaining art of record.

Applicants respectfully submit that there likewise would have been no motivation to have combined US 658 and US 148. However, even if US 658 and US 148 were combined (which Applicants did not do), the claimed invention would not result.

The combination simply does not teach or suggest the inventive food casings incorporating an extensible or non-extensible textile support layer and transfer coating including a binder that is essentially water-insoluble along with a transfer substance, as reflected in the

claims as-amended. The cook-in films of US 658 shrink up to 55 %. US 148 merely notes that its stockinettes may be impregnated with liquid smoke, and is silent as to binders.

Nor does the combination teach or suggest inventive food casings containing a textile support layer and a transfer coating that is transferred completely onto a foodstuff located in the casing, as further recited in the claimed invention.

The combination similarly fails to teach or suggest such inventive food casings in which a layer made of a water-soluble material is arranged between the textile support layer and the transferable coating so that the transferable coating loses its anchoring under the action of moisture, as recited in Claims 23 and 24.

The combination likewise does not teach or suggest inventive food casings in which the edible binder is gelatin or collagen and the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility, as recited in Claim 22 and newly added Claim 30. As noted above, US 148 instead teaches away from collagen films.

Nor does the combination teach or suggest such a casing having permanently bonded longitudinal edges. US 658 is directed to blown tubular films. US 148 is directed to tubular knit stockinettes, and to modify US 148 so as to require a permanently bonded seam would render it unfit for its intended purpose.

Accordingly, Applicants respectfully submit that US 658 and US 148 do not teach or suggest the claimed invention, considered either alone or in combination.



**CONCLUSION**

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 4, 7 through 16, 18 through 20, 22 through 24, 26, 28 and 30 are in condition for allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

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